



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700.

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Paper No. _____

In re application of: :
Samuel D. Harkness IV et al :
Serial No.: 09/781,978 : DECISION ON
Filed: February 14, 20021 : PETITION
For: POST-DEPOSITION ANNEALED RECORDING MEDIA AND
METHOD OF MANUFACTURING THE SAME :

This is a response to the COMMUNICATION, filed March 26, 2004. The requester asks that the abandonment, as set forth in the Notice of Abandonment of March 19, 2004, for failure to timely file a proper response to the Office letter dated May 20, 2003 be withdrawn. The requester asserts that applicants timely filed a proper response (i.e. Appeal Brief) to the Office letter on August 20, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence presented is sufficient to establish that the applicants did file the proper response to the Office letter of May 20, 2003 in a timely manner. The evidence provided includes: 1) a copy of Appeal Brief along with an Appendix with a Certificate of Hand Delivery dated August 20, 2003; and 2) a copy of the returned stamped postcard confirming receipt of the Appeal Brief by the USPTO dated August 20, 2003.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application will be forwarded to the Technical Support Staff



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for entering of the Appeal Brief dated August 20, 2003 and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.

Jacqueline Stone

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